



U.S. Department
of Transportation
Federal Highway
Administration

1200 New Jersey Avenue, SE.
Washington, DC 20590

JUN 12 2019

In Reply Refer To: HCR-20
DOT# 2019-0153

Subject: Dismissal of Complaint DOT# 2019-0153

Dear [REDACTED]

This letter is to inform you that the Federal Highway Administration (FHWA) Office of Civil Rights has determined that it will dismiss the above complaint, which alleged violations that may be related to Title VI of the Civil Rights Act of 1964, the U.S. Department of Transportation (USDOT) Title VI implementation regulations at 49 C.F.R. Part 21 and/or FHWA's Title VI regulations at 23 C.F.R. Part 200 (hereinafter Title VI). Title VI prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. To be accepted for investigation, a complaint must meet the jurisdictional requirements described in FHWA's Investigations Manual, which conforms to the U.S. Department of Justice's procedures and standards for investigating complaints of discrimination. First, the complaint must be in writing. Second, it must describe an alleged discriminatory act that, if true, would fall under FHWA's jurisdiction and potentially violate FHWA's Title VI regulations. Finally, it must be filed within 180 calendar days of the alleged discriminatory act.

In your complaint, you allege the MPO and FDOT violated Title VI when they failed to properly engage the African-American community during the Central Manatee Network Alternatives Analysis (CMNAA) process. In addition, you allege the community would disproportionately and adversely bear the effects of the projects.

After careful consideration, the FHWA has concluded it will dismiss this complaint because the projects identified in the Central Manatee Network Alternatives Analysis are still in the early stages of the project development process. FHWA will continue to monitor and engage with the Florida Department of Transportation and the MPO closely to ensure compliance with Title VI and other federal laws. FHWA notes that nothing in this letter precludes you or another complainant from filing a Title VI complaint related to the CMNAA projects at a later date or for FHWA to initiate an investigation in the future based on new information it obtains.

Please note that you may file a private suit at any time pursuant to section 601 of Title VI. If you have any questions about this complaint with FHWA, please contact Erich Hines at 202-366-5991 or erich.hines@dot.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Nichole McWhorter". The signature is fluid and cursive, with the first name "Nichole" written in a larger, more prominent script than the last name "McWhorter".

Nichole McWhorter
Division Manager
Coordination and Compliance Division

cc: James Christian, Division Administrator, FHWA FL Division Office
David Hawk, Chief Operating Officer, FHWA FL Division Office
Carey Shepherd, Civil Rights Program Coordinator, FHWA FL Division Office
Jim Esselman, Senior Attorney-Advisor, FHWA Office of Chief Counsel
Yvette Rivera, Associate Director, Equal Employment Opportunity Programs Division,
Departmental Office of Civil Rights
Kevin Resler, National Title VI Program Coordinator, FHWA Office of Civil Rights